

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MICHAEL HENRY HEARN,

Plaintiff,

v.

Civil Action No. **3:12CV208**

UNKNOWN,

Defendant.

MEMORANDUM OPINION

Plaintiff, a Mississippi inmate, submitted this action and requested leave to proceed *in forma pauperis*. However, this Court denied Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). The pertinent statute provides:

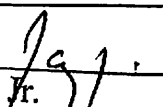
In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Hearn v. Warden*, No. 4:05cv18TSL-AGN, 3 n.2 (S.D. Miss. Jan. 28, 2005) (citing cases).

On April 23, 2012, this Court entered a Memorandum Order denying Plaintiff's request to proceed *in forma pauperis* and ordering him to submit the full filing fee within eleven (11) days of the date of entry thereof. Plaintiff failed to comply with the April 23, 2012 Memorandum Order. Accordingly, this action will be DISMISSED WITHOUT PREJUDICE. *See* Fed. R. Civ. P. 41(b).

An appropriate Order shall issue.

Date: 7/11/12
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
United States District Judge